



Phillips Lytle LLP

VIA ECF

July 23, 2010

Hon. David R. Homer
United States Magistrate Judge
United States District Court
Northern District of New York
United States Courthouse
Albany, NY 12207

Re: SEC v. McGinn, Smith & Co., Inc., et al.
10 CV 457 (GLS) (DRH)

Dear Judge Homer:

The proposed Preliminary Injunction Order provided to the Court by the attached June 8, 2010 letter from the SEC (Docket No. 58) has not yet been signed by the Court.

Since the Court has issued its July 7, 2010 decision granting the preliminary injunction, as Receiver, I respectfully submit that the entry of the Preliminary Injunction Order at this time would be appropriate to aid in the administration of the estates.

I am copying by e-mail and ECF the parties of record including the recently substituted counsel for Messrs. McGinn and Smith as well as predecessor counsel, Michael Koenig, Esq. All parties have consented to the entry of the Preliminary Injunction Order.

Very truly yours,

Phillips Lytle LLP

By */s/William J. Brown*

William J. Brown

EEEht
Doc # 01-2386349.1

ATTORNEYS AT LAW

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cc: Martin H. Kaplan, Esq.
Michael Koenig, Esq.
James Featherstonhaugh, Esq.
Jill Dunn, Esq.
David Stoelting, Esq.